

1 SENATE JOINT MEMORIAL 17

2 **49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

3 INTRODUCED BY

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8 FOR THE REVENUE STABILIZATION AND TAX POLICY COMMITTEE

9
10 A JOINT MEMORIAL

11 REQUESTING DISTRICT ATTORNEYS TO PLACE DEFENDANTS WITH GAMBLING
12 ADDICTIONS WHO ARE CHARGED WITH NONVIOLENT OFFENSES RESULTING
13 FROM THAT ADDICTION IN PREPROSECUTION DIVERSION PROGRAMS.

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15 WHEREAS, a district attorney is authorized by the
16 Preprosecution Diversion Act to divert nonviolent offenders who
17 meet that district attorney's criteria for an eligible
18 defendant into a preprosecution diversion program that provides
19 counseling and guidance, restitution as appropriate and
20 referral for treatment and rehabilitation; and

21 WHEREAS, the compulsive gambling council, after much
22 deliberation and study, seeks to have nonviolent defendants
23 whose offenses arise from the defendant's underlying gambling
24 addiction placed in preprosecution diversion programs; and

25 WHEREAS, gambling addictions afflict a relatively small

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1 number of New Mexico residents, but such addictions may result
2 in crimes such as embezzlement, theft, forgery or fraud and can
3 cause extreme damage in the life of a person with a gambling
4 addiction and have great effect on that person's relationships,
5 the lives of that person's family, friends and coworkers and
6 the community in which that person lives; and

7 WHEREAS, a person with a gambling addiction should be held
8 responsible for crimes committed and will require
9 rehabilitation through counseling and treatment that will
10 prevent the person from repeating actions that feed into the
11 person's addictive behavior; and

12 WHEREAS, restitution may be a more effective punishment
13 than incarceration, and the expense of incarceration that does
14 not lead to rehabilitation creates a further burden on a
15 community;

16 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
17 STATE OF NEW MEXICO that the district attorneys of the state be
18 requested to make every effort to place defendants who are
19 accused of committing nonviolent offenses that result from the
20 defendant's underlying gambling addiction in preprosecution
21 diversion programs pursuant to Sections 31-16A-1 through
22 31-16A-8 NMSA 1978; and

23 BE IT FURTHER RESOLVED that these offenders be required to
24 pay restitution and submit to counseling, treatment and other
25 available methods of rehabilitation; and

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1 BE IT FURTHER RESOLVED that a copy of this memorial be
2 transmitted to the administrative office of the district
3 attorneys for distribution to each district attorney in New
4 Mexico.

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